

House Amendment 1345

PAG LIN

1 1 Amend Senate File 415, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 6A.22, subsection 2, paragraph
1 6 c, subparagraph (1), Code 2009, is amended to read as
1 7 follows:
1 8 (1) (a) If private property is to be condemned
1 9 for development or creation of a lake, only that
1 10 number of acres justified as reasonable and necessary
1 11 for a surface drinking water source, and not otherwise
1 12 acquired, may be condemned. ~~In addition Prior to~~
1 13 ~~making a determination that such a lake development or~~
1 14 ~~creation is reasonable and necessary,~~ the acquiring
1 15 agency shall ~~conduct a review of demonstrate by clear~~
1 16 ~~and convincing evidence that no other prudent and~~
1 17 ~~feasible alternatives to alternative for provision of~~
1 18 ~~a drinking water source prior to making a~~
1 19 ~~determination that such lake development or creation~~
1 20 ~~is reasonable and necessary exists.~~ Development or
1 21 creation of a lake as a surface drinking water source
1 22 includes all of the following:
1 23 (i) Construction of the dam, including sites for
1 24 suitable borrow material and the auxiliary spillway.
1 25 (ii) The water supply pool.
1 26 (iii) The sediment pool.
1 27 (iv) The flood control pool.
1 28 (v) The floodwater retarding pool.
1 29 (vi) The surrounding area upstream of the dam no
1 30 higher in elevation than the top of the dam's
1 31 elevation.
1 32 (vii) The appropriate setback distance required by
1 33 state or federal laws and regulations to protect
1 34 drinking water supply.
1 35 (b) For purposes of this subparagraph (1), "number
1 36 of acres justified as reasonable and necessary for a
1 37 surface drinking water source" means according to
1 38 guidelines of the United States natural resource
1 39 conservation service and according to analyses of
1 40 ~~surface~~ drinking water capacity needs conducted by one
1 41 or more registered professional engineers using
1 42 standards alternative to the federal guidelines. Any
1 43 guidelines or analyses related to future drinking
1 44 water capacity needs shall be based on the current
1 45 rate of drinking water usage in the area to be served
1 46 by the surface drinking water source.
1 47 (c) Guidelines relating to drinking water capacity
1 48 needs in time of drought shall not be used in any
1 49 analysis performed pursuant to this subparagraph (1).
1 50 An analysis performed pursuant to this subparagraph
2 1 (1) shall include information on groundwater resources
2 2 in the area and the potential for the use of such
2 3 resources to meet drinking water capacity needs.
2 4 (d) A second review or analysis may be requested
2 5 by any landowner affected by the proposed condemnation
2 6 action, and the engineer shall be selected by a
2 7 committee of private landowners affected by the
2 8 proposed condemnation action. The acquiring agency
2 9 shall be responsible for paying the fees and expenses
2 10 of such an engineer.
2 11 (e) A landowner affected by the proposed
2 12 condemnation action may request a public hearing
2 13 regarding the influence of a federal agency on the
2 14 lake creation or development project, on the proposed
2 15 condemnation actions related to the project, and on
2 16 the use of federal guidelines in analyzing drinking
2 17 water capacity needs. The hearing shall be conducted
2 18 by a person who is not involved with the lake creation
2 19 or development, and the services of such person in
2 20 conducting the hearing shall be paid by the acquiring
2 21 agency.>
2 22 #2. Page 1, line 4, by inserting after the figure
2 23 <657A.10A,> the following: <and notwithstanding
2 24 chapters 6A and 6B,>.

2 25 [#3.](#) Page 4, by inserting after line 14 the
2 26 following:
2 27 <Sec. _____. EFFECTIVE DATE. The section of this
2 28 Act amending section 6A.22, being deemed of immediate
2 29 importance, takes effect upon enactment and applies to
2 30 projects or condemnation proceedings pending or
2 31 commenced on or after that date.>
2 32 [#4.](#) Title page, line 2, by inserting after the
2 33 word <years> the following: <and to the acquisition
2 34 of property through condemnation for certain lake
2 35 projects, and including effective date and
2 36 applicability date provisions>.
2 37 [#5.](#) By renumbering as necessary.
2 38
2 39
2 40 _____
2 41 KAUFMANN of Cedar
2 42 SF 415.203 83
2 43 md/sc/23421